

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DOW JONES & COMPANY, INC.,

Plaintiff,

21-cv-7284 (PKC)

-against-

ORDER

JUWAI LTD.,

Defendant.

-----X  
CASTEL, U.S.D.J.:

In the context of this copyright infringement action, the Court has reviewed the discovery dispute letters of plaintiff Dow Jones & Company (“Dow Jones”) and responses of defendant Juwai Ltd. (“Juwai”), totaling in excess of 350 pages. (ECF 52, 57, 60 and 61.) Contrary to the assertion of Juwai, Dow Jones has adequately identified the universe of allegedly infringing posts. (ECF 60 at 2.)

The Court rules as follows:

1. The parties shall meet and confer on a protocol governing the production of electronically stored information and a protective order by October 6, 2023. If disputes are not resolved, Dow Jones may submit a protocol and a proposed protective order by October 13, 2023 and Juwai shall respond by October 18, 2023. The parties’ submissions shall be accompanied by versions of their drafts in MS Word sent to the Chambers inbox.

2. Juwai’s objections to Dow Jones RFPs Nos. 4, 5, 7, 14 (limited to documents generated or sent after January 1, 2016), 15, 18, 19 and 20 are overruled and Juwai shall produce all non-privileged, non-work product documents responsive to these requests by

November 1, 2023. If and to the extent Juwai claims that any responsive document is protected by the attorney-client privilege or is work product, it shall provide the information required by Local Civil Rule 26.2 by November 1, 2023. If Juwai asserts that it has no non-privileged, non-work product responsive to a particular request, it shall so state in a filing with this Court and provide an affidavit from a person with knowledge of the search for responsive documents describing in detail the search; the foregoing statement and affidavit shall be filed by November 1, 2023.

3. Juwai's objections to Dow Jones' Interrogatories Nos. 1 and 6 are overruled and Juwai shall fully respond to said Interrogatories by November 1, 2023.

4. JUWAI SHALL FULLY COMPLY WITH THIS ORDER. FAILURE TO DO SO WILL RESULT IN SANCTIONS UNDER RULE 37, FED. R. CIV. P., INCLUDING THE SANCTION OF STRIKING THE DEFENDANT'S ANSWER AND ENTERING A DEFAULT JUDGMENT AGAINST IT.

5. Fact discovery is extended through January 12, 2024 and expert discovery through February 23, 2024. The November 3, 2023 conference is adjourned to January 30, 2024 in Courtroom 11D.

6. Juwai's motion (ECF 55) to seal portions of its own submission to the Court is DENIED. The presumption of public access attaches to this "judicial document" and Juwai has failed to demonstrate that sealing is necessary to preserve higher values, including protection of business information with competitive value.

7. All other relief is DENIED without prejudice. The Clerk shall terminate letter motions. (ECF 55 & 61.)

SO ORDERED.

A handwritten signature in black ink, reading "P. Kevin Castel", written over a horizontal line.

P. Kevin Castel  
United States District Judge

Dated: New York, New York  
September 28, 2023